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11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 ROWLAND MARCUS ANDRADE,  
15 Defendants.

Case No. 20-cr-00249-RS (LB)

**DISCOVERY ORDER**

Re: ECF No. 147

17 The court held a discovery hearing on December 22, 2023 about Mr. Andrade's motion to  
18 compel discovery. The parties' papers collectively are hundreds of pages, and parts of Mr.  
19 Andrade's counsel's supporting declaration are under seal because they involve trial strategy.  
20 The parties attach many exhibits, including those reflecting their meet-and-confer process. The  
21 current landscape is not a workable one for several reasons: (1) the parties cannot meaningfully  
22 discuss whether something is fairly Rule 16 material if the government cannot test or at least  
23 respond to Mr. Andrade's under-seal reasons; (2) the meet-and-confer process has been productive  
24 because when the parties meet, they do sort out baseline issues (such as whether discovery actually  
25 exists); and (3) the volume of disputes can be whittled down so that a hearing can be more  
26 productive. In aid of that process, the court ordered the following.

27 First, the defense team identified the Abramoff documents as the most important. The  
28 government said that it had produced documents and its concern was more with the wide-ranging

1 requests for information that sometimes didn't exist or was not in its control. For documents that  
2 the government does have, the court asked it to consider whether it cares. If they exist (in a 302  
3 form, for example), and can be produced, then that might be the end of the dispute because it will  
4 bring clarity to the defense team. If only because of the government's *Brady* obligations, that  
5 might save time. That said, the court cannot discern any significance to some of the discovery  
6 (e.g., there are no current Saler 302s, and the earlier 302s date back twenty years). Also, the  
7 government's point about under-seal filings is fair: the court asked the defense team to consider  
8 lifting some of its redactions.

9 Second, discovery, especially in a big case, is iterative. The court asked Mr. Andrade to pick  
10 the top five things he wants and to tell the government. The government then should consider  
11 whether it matters and produce them if it can. The parties must meet and confer by any means but  
12 in the end, at least by telephone, to try to narrow their disputes. Then, they can file a short letter  
13 brief (around five pages) that summarizes their respective positions and cites by ECF number and  
14 exhibit number to any earlier argument and exhibits relating to the dispute. The court would prefer  
15 it if the parties did not cite to their back-and-forth letters about the dispute. Instead, they should  
16 focus on the merits of their arguments. This process is meant to focus the arguments and point  
17 specifically to the relevant sections of the earlier-filed materials.

18 The court will do its best to have a discovery hearing within a week of the parties' filing their  
19 letter brief.

20 **IT IS SO ORDERED.**

21 Dated: December 23, 2022



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23 LAUREL BEELER  
24 United States Magistrate Judge  
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